

EXHIBIT 32

**To
PLAINTIFF'S LOCAL RULE 56.1(b)(3)(C) STATEMENT OF ADDITIONAL FACTS
REQUIRING DENIAL OF THE CITY'S MOTION FOR PARTIAL SUMMARY
JUDGMENT**

March 15, 2016

Case No. 14-CV-4391

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

NICOLE HARRIS,)
Plaintiff,)
v.) No. 14-cv-4391
CITY OF CHICAGO; Chicago)
Police Officers ROBERT BARTIK,)
DEMOSTHENES BALODIMAS, ROBERT)
CARDARO, JOHN J. DAY, JAMES M.)
KELLY, ANTHONY NORADIN, and)
RANDALL WO; Assistant Cook)
County State's Attorneys)
ANDREA GROGAN and LAWRENCE)
O'REILLY, and THE COUNTY OF COOK,)
Defendants.)

The video deposition of DONALD O'NEILL,
called for examination pursuant to the Rules of
Civil Procedure for the United States District
Courts pertaining to the taking of depositions,
taken before Tracy Jones, a Certified Shorthand
Reporter within and for the County of Cook and
State of Illinois, at 1180 North Milwaukee
Avenue, 4th Floor, Chicago, Illinois, on the
January 29, 2016, at the hour of 9:16 o'clock a.m.

Reported by: Tracy Jones, CSR, RPR, CLR
License No.: 084-004553



1 are you referring to?

2 A. What day he started employment with the
3 City of Chicago, the different pay rates or step
4 raises he got during the course of his
5 employment, promotions he may have received,
6 high school transcripts, college transcripts,
7 some of the background investigation that was
8 done prior to his hiring, and any leaves of
9 absence a person might have taken.

10 Q. So you wouldn't expect Mr. Bartik's
11 personnel file to include anything about his
12 training?

13 MS. FORDYCE: Objection to the form.

14 BY MS. SUSLER:

15 Q. Other than the high school or college
16 transcripts?

17 A. It would show when he went into the
18 training academy. And it may have licenses in
19 it, copies of licenses, but not -- not always.
20 It will have the driver's license in it. It
21 probably doesn't have professional licenses in
22 it.

23 Q. Is there another place you would expect
24 to find his professional license?



1 A. He would have his professional license.

2 Q. In a Chicago Police Department record?

3 A. No. I don't -- I would not expect to
4 find it in a Chicago Police Department record.

5 Q. And the questions that I've asked you
6 about what you would expect to see in
7 Mr. Bartik's personnel file, are you speaking
8 generally?

9 A. I'm speaking generally.

10 Q. So it wouldn't just be what you would
11 expect to find in his personnel file, it would
12 be what you expect to find in any police
13 officer's personnel file?

14 A. Correct.

15 MS. FORDYCE: Objection: It's outside the
16 scope of the 30(b)(6).

17 BY MS. SUSLER:

18 Q. And in terms of discipline, would you
19 expect to find anything in Mr. Bartik's
20 personnel file?

21 A. No, I would not.

22 Q. In terms of any kind of secondary
23 employment, would you expect to find anything in
24 Mr. Bartik's personnel file?



1 and find all the documentation in one place; is
2 that fair to say?

3 A. If I wanted to get the big picture on
4 his past employment history, I could go to
5 Personnel and find out where he's worked if I'm
6 looking for a big picture. If you're looking
7 for minutiae, no, you probably would have to go
8 to multiple locations.

9 Q. All these different places you
10 mentioned to me, to -- you would have to go to
11 Education and Training for training, right?

12 A. If you wanted to know how often he
13 attended court, I would probably have to go to
14 the Court Section.

15 Q. Okay.

16 A. If you wanted to know if he's taken the
17 fitness exam, I would probably have to go to the
18 academy. But there's overlap in the records as
19 well. There's multiple places you could verify.

20 Q. But if you wanted to find out what
21 training he had undergone, you would have to go
22 to the Education and Training Academy?

23 A. Correct.

24 Q. And if you wanted to find out whether



1 training, the other evaluations, the discipline,
2 the litigation, would that -- would that
3 supervisor have to go to each of those offices
4 we talked about?

5 A. He could generally call them on the
6 phone and get the information he was seeking.

7 Q. So a supervisor would have access to
8 the information?

9 A. Yes.

10 Q. Merely by representing himself as,
11 I'm -- I'm Robert Bartik's supervisor; I want to
12 know what's going on?

13 A. Correct.

14 Q. And if a supervisor actually wanted to
15 see the documentation as opposed to just having
16 someone tell him about it, he could do that as
17 well?

18 A. Generally speaking, yes.

19 Q. Can he get copies sent to him, or does
20 he have to go to those offices and look at those
21 documents there?

22 A. We don't provide copies of people's
23 personnel records to supervisors. They can
24 review them, but we're not providing



1 documents -- I want to clarify -- and we don't
2 release people's medical records either.

3 Q. So when you say people's personnel
4 files, you're not just talking about personnel
5 records, you're not just talking about what we
6 were talking about before as the personnel file;
7 you're talking about all those things we were
8 talking about?

9 A. No. I'm talking about the personnel
10 file.

11 Q. Okay. So if they wanted copies of any
12 of his supervision or evaluations, training,
13 discipline, or litigation, the supervisors --

14 A. I'm sorry. You have to -- That's
15 compound. There's too many factors. They're
16 all falling into different things.

17 Q. Okay. Thank you for telling me.

18 Is there any record, of all the records
19 we've talked about maintained on Mr. Bartik,
20 that a supervisor couldn't get copies of other
21 than medical records?

22 A. Could not get copies of?

23 Q. Correct.

24 A. We generally don't provide copies of



1 most of these records.

2 Q. Well, is there any record other than
3 medical that a supervisor couldn't get copies
4 of? Are you saying every other record, a
5 supervisor wouldn't get copies of?

6 MS. FORDYCE: Objection to the form. I think
7 you're misstating his prior testimony.

8 THE WITNESS: I think my testimony is the
9 records are available, but we don't make copies
10 of records and disperse those to supervisors.

11 BY MS. SUSLER:

12 Q. Okay. Do you know whether there's any
13 documentation of supervisors' requests for
14 information about Mr. Bartik's records in any of
15 the categories we've discussed?

16 MS. FORDYCE: Objection to the form.

17 THE WITNESS: Not that I'm aware of.

18 BY MS. SUSLER:

19 Q. Let me ask you some questions about
20 Mr. Bartik's qualifications to serve as a
21 polygraph examiner. What, if you know, were the
22 criteria for a Chicago Police Department
23 polygraph examiner in 1988?

24 A. In 1988, they were required to be a



1 licensed polygraph examiner, licensed by the
2 State of Illinois.

3 Q. Were those -- Are those criteria
4 documented anywhere, if you know?

5 A. Not -- I do not know.

6 Q. Have you ever seen any document that
7 established what the criteria were for a
8 polygraph examiner in the police department?

9 A. Have I ever seen? Yes.

10 Q. What document have you seen?

11 A. When we hired or put people through
12 polygraph exam school in the last few years,
13 I've reviewed the requirements to become a
14 polygraph examiner.

15 Q. And that was because they applied for a
16 tuition waiver?

17 A. No. It's because we were training them
18 to be polygraph examiners for the Chicago Police
19 Department.

20 Q. Was that when you implemented the
21 Preemployment Polygraph Examination Section?

22 A. Yes.

23 Q. So that was in what year?

24 A. '10, 2010.



1 Q. Before 2010, had you ever seen any
2 documentation of the criteria for a polygraph
3 examiner for the police department?

4 A. No, I had not.

5 Q. What, if anything, was done, if you
6 know, to determine whether Mr. Bartik met the
7 criteria you articulated?

8 A. It was verified that he had a valid
9 license with the State of Illinois as a
10 polygraph examiner.

11 Q. Do you know whether Mr. Bartik's State
12 license is in the possession of the Chicago
13 Police Department, or a copy thereof?

14 A. No, I do not know.

15 Q. Do you know who, if anyone, determined
16 whether he had a license?

17 A. When he was first hired and first moved
18 into taking polygraph exams, it was verified he
19 had a license. And I don't recall who it was.

20 Q. When you say it was verified, what was
21 done?

22 A. He presented his license.

23 Q. Is that documented anywhere?

24 A. No.



1 Q. And how do you know?

2 A. That's what I was told.

3 Q. By whom, other than your lawyer?

4 A. I had a conversation with Jack Huel s a
5 few years ago, maybe six, seven years ago, about
6 the polygraph examiners and how they got the
7 positions, how they were selected, and whether
8 they should be getting extra pay for being
9 polygraph examiners.

10 Q. Who is Jack Huel s?

11 A. Jack Luke Huel s was a lieutenant in the
12 police Forensics Investigations Unit.

13 Q. And what, if any, relationship did he
14 have to polygraph examination in the police
15 department?

16 A. He -- The Forensics Investigation Unit
17 supervised the polygraph examiners.

18 Q. And this conversation you had with him
19 was, you said, six or seven years ago?

20 A. Yes. Maybe eight years ago.

21 Q. So that would put it at 2008?

22 A. 2008.

23 Q. Anybody else present for that
24 conversation?



1 A. Not -- Not that I'm aware of.

2 Q. Where did it take place?

3 A. I believe it took place in a restaurant
4 in Teamster City, which is at Ashland and
5 Jackson.

6 Q. And you were having the conversation
7 because you were inquiring about whether
8 polygraph examiners should have more pay?

9 A. Correct.

10 Q. And what did Lieutenant Huel's say?

11 A. He -- He thought they should receive
12 more pay. At the time, I was Commander of
13 Management, Labor Affairs Section, and we were
14 in the process of negotiating collective
15 bargaining agreements.

16 Q. And he thought they should have more pay?

17 A. Yes.

18 Q. And what did you think?

19 MS. FORDYCE: Objection: Is very far afield
20 of the scope of the 30(b)(6).

21 THE WITNESS: I was Commander of Management,
22 Labor Affairs Section. And in that position, I
23 don't believe anybody should receive more pay
24 when we're negotiating a contract.



1 BY MS. SUSLER:

2 Q. And ultimately, did polygraph examiners
3 get an increase in pay?

4 MS. FORDYCE: Same objection.

5 THE WITNESS: No, they did not.

6 BY MS. SUSLER:

7 Q. And during that conversation in 2008,
8 what else, if anything, did Mr. -- Lieutenant
9 Huel s say to you about Robert Bartik?

10 A. The conversation was not about Robert
11 Bartik. It was about polygraph examiners.

12 Q. So Mr. Bartik's name didn't come up?

13 A. No.

14 Q. Other than on that occasion in 2008,
15 did you ever speak with Mr. -- Lieutenant Huel s
16 about Mr. Bartik?

17 A. I have never talked to Jack Huel s about
18 Lieutenant -- Sergeant Bartik.

19 Q. What, if anything, was done to
20 determine -- When Mr. Bartik was hired to be a
21 polygraph examiner by the Chi cago Pol ice
22 Department, what, if anything, was done to
23 determine whether he had graduated from an
24 accredi ted polygraph school ?



1 A. He was never hired to be a polygraph
2 examiner for the Chicago Police Department. He
3 was hired as a police officer for the Chicago
4 Police Department, and he was given the
5 assignment of doing polygraph exams.

6 Q. Okay. And what, if anything, was done
7 when he was given the assignment to conduct
8 polygraph examinations to determine whether he
9 had graduated from an accredited polygraph
10 school?

11 A. It was my understanding that he
12 presented a license. To have a license, you
13 must have graduated from college, and you must
14 have graduated from an accredited polygraph
15 school.

16 Q. And you don't know anything more about
17 his license other than what you've already told
18 me?

19 A. Correct.

20 Q. What, if anything, has the police
21 department done -- anyone in the police
22 department done to determine whether Robert
23 Bartik kept his State license current?

24 A. The police department doesn't verify



1 that people have their current licenses for
2 driver's license or FOID cards. It's the
3 member's responsibility to maintain their
4 licensing.

5 Q. So it would be fair to say that no one
6 in the police department ever did anything to
7 determine whether Mr. Bartik kept his license
8 current?

9 MS. FORDYCE: Objection to the form.

10 THE WITNESS: The member is required to
11 maintain their licensing if they're doing
12 something of that function. So if a member is
13 required to drive a large truck for the police
14 department because they did have a CDL, it's
15 their responsibility to have the CDL before they
16 drive that truck. If somebody is an attorney
17 working for the police department, it's their
18 responsibility to have that license and to be an
19 attorney. So -- And if someone is a polygraph
20 examiner, it's their responsibility to be
21 properly licensed to do it. If they do not have
22 a license, they would be subject to discipline
23 up to and including separation.
24



1 BY MS. SUSLER:

2 Q. So basically, the police department
3 relied on Mr. Bartik to do what he was supposed
4 to do in terms of keeping his State license to
5 practice as a polygraph examiner current?

6 MS. FORDYCE: Objection to the form.

7 THE WITNESS: We rely on people to comply
8 with the laws of the State of Illinois.

9 BY MS. SUSLER:

10 Q. Okay. And I'm talking specifically
11 about Robert Bartik now.

12 A. Okay. Yes.

13 Q. All right. What, if anything, was done
14 to determine whether there were any complaints
15 or discipline with respect to Mr. Bartik's State
16 license to conduct polygraph examinations?

17 A. The State's Department of Professional
18 Regulations conducts any investigations
19 concerning complaints against licensed members.
20 So we don't have a role in those investigations
21 as the Chicago Police Department. It's
22 exclusively their domain.

23 Q. Other than not participating in any
24 investigations concerning Mr. Bartik's State



1 license, what, if anything, did anyone in the
2 Chicago Police Department do to determine
3 whether there were any complaints or discipline
4 with respect to Mr. Bartik's State license?

5 MS. FORDYCE: Objection to the form;
6 misstates prior testimony.

7 THE WITNESS: We are not aware of any
8 complaints. We were not informed of any
9 complaints. If you have any complaints, we
10 would obtain a complaint register investigation
11 on those complaints. But we don't seek out
12 information concerning if anybody has complaints
13 against anyone's license.

14 BY MS. SUSLER:

15 Q. So is it fair to say that with respect
16 to any complaints or discipline with respect to
17 Mr. Bartik's State license to conduct polygraph
18 examinations, no one in the Chicago Police
19 Department did anything to determine whether
20 there were any complaints or discipline?

21 MS. FORDYCE: Objection to the form: Asked
22 and answered; misstates prior testimony.

23 THE WITNESS: I'm not aware of any complaints
24 against his license.



1 BY MS. SUSLER:

2 Q. Well, that's not my question, sir. I
3 would like to know if it's fair to say that no
4 one in the police department ever took any
5 action to determine whether there were any
6 complaints or discipline with respect to
7 Mr. Bartik's State license to conduct polygraph
8 examinations?

9 MS. FORDYCE: Same objections; asked and
10 answered.

11 THE WITNESS: I don't know if that would be
12 fair to say. I wasn't a direct supervisor of
13 his. I didn't manage -- But as far as I know, I
14 took no action to investigate whether there were
15 any complaints.

16 BY MS. SUSLER:

17 Q. Have you ever seen any documentation
18 that anyone in the police department took any
19 action to determine whether there were any
20 complaints or discipline with respect to
21 Mr. Bartik's State license to conduct polygraph
22 examinations?

23 A. I have never seen any documentation
24 concerning any complaints against his license or



1 anybody looking to see if there were any
2 complaints against his license.

3 Q. And is it fair to say that generally,
4 the police department doesn't do anything to
5 determine whether there are complaints or
6 discipline with respect to a State license?

7 That's my question.

8 MS. FORDYCE: Objection to the form; outside
9 the scope of the 30(b)(6); foundation.

10 THE WITNESS: No. I don't think that would
11 be fair to say, that we don't take any action to
12 see if there are any complaints.

13 If there's -- If there was a complaint
14 lodged, a CR number lodged about some conduct
15 concerning it, we -- probably part of our
16 investigation would be to see if there's any
17 complaint filed with the Department of
18 Professional Regulation.

19 BY MS. SUSLER:

20 Q. Let me see if I understood you
21 correctly. If there was a CR related to
22 Mr. Bartik's performance as a polygraph
23 examiner, are you saying that the -- that it
24 should be part of the police department's



1 investigation of that CR to determine whether
2 Mr. Bartik's license was current and whether
3 there were any complaints or discipline with
4 respect to that license?

5 MS. FORDYCE: Objection: Misstates prior
6 testimony.

7 THE WITNESS: Yeah. I don't think you're
8 understanding what I'm saying. If there is a
9 complaint, a CR number that's being investigated
10 against anyone who has a State of Illinois
11 license concerning that license, there would be
12 a parallel investigation going on by the
13 Department of Professional Regulation. And part
14 of their investigation would be to determine
15 what the finding was of Illinois Department of
16 Professional Regulation.

17 BY MS. SUSLER:

18 Q. Do you know whether that ever happened
19 with respect to Mr. Bartik?

20 A. I do not believe any investigations
21 ever -- concerning his licensing ever met the
22 sworn affidavit requirements.

23 Q. Did you ever see any documentation that
24 the State conducted an investigation with



1 in terms of monitoring Mr. Bartik's training in
2 the field of polygraph examination after his
3 assignment as a polygraph examiner, nothing was
4 done except to assume that he maintained a
5 license and that he was supervised?

6 MS. FORDYCE: Objection: Misstates prior
7 testimony; argumentative.

8 THE WITNESS: That's definitely not what I
9 said.

10 BY MS. SUSLER:

11 Q. Okay. Then I'd like to understand.
12 And I'm just talking about now monitoring his
13 training in the field of polygraph examination.
14 Can you please tell me what you know about
15 anything that was done by anyone in the police
16 department to monitor Mr. Bartik's training in
17 the field of polygraph examination after he was
18 assigned to be a polygraph examiner.

19 MS. FORDYCE: Object to the form.

20 THE WITNESS: There's no requirement for
21 continuing training for polygraph examiners or
22 continuing education. So we would just -- Our
23 responsibility would be to ensure that he
24 maintains his licensing. So I'm not aware of



1 any monitoring.

2 BY MS. SUSLER:

3 Q. Thank you.

4 And did the police department require
5 Mr. Bartik to get any training in the field of
6 polygraph examination at any time?

7 A. I'm aware that we sent him to some
8 additional training, seminars. But I don't know
9 the extent of that.

10 Q. And when you say, We sent him, you
11 mean --

12 A. The Chicago Police Department.

13 Q. And when you say the police department
14 sent him, are you telling me that he was
15 required to attend those trainings?

16 A. Yes.

17 Q. So it wasn't of his volition; it was
18 something that the police department said, This
19 is something you need to do?

20 A. Yes.

21 Q. And what, if any, training was that
22 that you're referring to?

23 A. There was a period of training in --
24 with the FBI. There was a period of training in



1 FBI or from Greensboro that Mr. Bartik actually
2 attended that training?

3 A. Well, the FBI academy in Quantico,
4 Virginia, they maintain their own records. So
5 you could contact the FBI academy in Quantico,
6 Virginia.

7 Q. I asked a bad question.

8 A. I'm sorry.

9 Q. I meant where in the Chicago Police
10 Department documents would you expect to find
11 any -- any record that Mr. Bartik had attended
12 those other than the A & A sheets?

13 A. I would not know where to expect to
14 find those documents.

15 Q. And would that be true for Mr. Bartik
16 and police officers generally?

17 MS. FORDYCE: Objection: Outside the scope
18 of the 30(b)(6) to the extent you're asking
19 about police officers generally.

20 BY MS. SUSLER:

21 Q. Yeah. I just want to know, you're
22 not -- was there some kind of special
23 documentation or not documentation with respect
24 to the Mr. Bartik as opposed to any other police



1 officer?

2 MS. FORDYCE: Same objection as well as to
3 the form of that latter question.

4 THE WITNESS: I don't know where I would
5 expect to find documents about their attendance
6 at Quantico or Greensboro for any other police
7 officer.

8 BY MS. SUSLER:

9 Q. What, if anything, did the police
10 department -- anyone in the police department do
11 to determine whether Mr. Bartik implemented any
12 of the training that he attended about polygraph
13 examination?

14 MS. FORDYCE: Objection to the form.

15 THE WITNESS: The training for polygraph
16 examiners, they're licensed. They're
17 responsible for doing it. We provide them with
18 the training, which provides different
19 techniques. Whether an individual chooses to
20 adapt a given technique, that's his
21 responsibility as a licensed professional.

22 BY MS. SUSLER:

23 Q. What, if anything, did anyone in the
24 police department do to determine whether



1 Mr. Bartik did anything to keep abreast of
2 developments in the field of polygraph
3 examination other than the two formal trainings?

4 A. He maintained his license with the
5 State of Illinois. And there's no requirement
6 for continuing education. So there is -- I
7 don't believe there was any role that the police
8 department played in maintaining he followed up
9 with any periodicals or reviews or anything
10 else.

11 Q. Or whether he joined any professional
12 polygraph organizations?

13 A. Well, joining a club, we wouldn't
14 consider that as -- I wouldn't consider that as
15 being -- you're in the West Side Lawyers
16 Association, I don't consider that being
17 anything. That's a club.

18 So the American Polygraph Association,
19 they can -- they can have seminars. Or being
20 part of a professional association is not a
21 requirement, not something we would pay for for
22 him to -- or require him to be a member of.

23 Q. Okay. Let me ask you some questions
24 about Mr. Bartik's performance as a polygraph



1 properly and doing everything he's required to
2 do as part of his supervision.

3 BY MS. SUSLER:

4 Q. Is there anything else you're aware of
5 that anyone in the police department did to
6 determine how he was performing specifically as
7 a polygraph examiner?

8 A. They would -- His supervisors would
9 talk to the detectives that bring people down
10 for interviews, or they would respond to
11 complaints, comments, compliments that
12 detectives might have. That would go to his
13 supervisors.

14 Q. Now, the answer that you gave me, is
15 that an answer that applies generally, or is
16 that specific with respect to Mr. Bartik?

17 MS. FORDYCE: Objection: It's outside the
18 scope of the 30(b)(6) to the extent you're
19 asking about other officers other than
20 Mr. Bartik.

21 THE WITNESS: That would apply to all
22 officers in the police department.

23 BY MS. SUSLER:

24 Q. Are you aware of anything done



1 specifically with respect to Mr. Bartik, done by
2 anyone in the police department, to determine
3 how he performed as a polygraph examiner other
4 than what you've already told me?

5 A. Any specific thing concerning
6 Mr. Bartik concerning his performance as a
7 polygraph examiner, other than the performance
8 evaluations, no. I am not aware of anything
9 else specifically related to Mr. Bartik.

10 Q. So the documents that the police
11 department has to document any of the --
12 anything anybody in the police department did
13 with respect to how Mr. Bartik was performing as
14 a polygraph examiner would be found in the
15 performance cards or the computerized
16 performance evaluations?

17 MS. FORDYCE: Objection to the form. Did you
18 say document?

19 Did she say document?

20 (Whereupon, the record was read
21 as requested.)

22 MS. FORDYCE: Object to the form: Vague.

23 THE WITNESS: It could be find -- found on
24 other documents as well. If there were any



1 complaints initiated by his supervisors, if
2 there were any summary punishment action
3 requests taken, any punishment; if there were
4 any letters received, complimentary letters,
5 those would be forwarded to HR and go into the
6 Awards Section. If there was any counseling
7 forms done, those would stay in the unit of
8 assignment.

9 I'm not aware of any of these things,
10 but those are documents that could exist
11 specifically applicable to Sergeant Bartik.

12 BY MS. SUSLER:

13 Q. All right. You just listed the realm
14 of the possible, and you said you're not aware
15 that any of those documents exist with respect
16 to Mr. Bartik?

17 A. Correct.

18 Q. So the documents that you're aware of
19 that exist with respect to Mr. Bartik in terms
20 of documenting what the police department did to
21 determine how he was performing as a polygraph
22 examiner we will find in the performance
23 evaluation cards and the computerized
24 evaluation, correct?



1 A. Correct.

2 Q. And you're not aware of any other
3 documentation with respect to how he performed
4 as a polygraph examiner?

5 A. Correct.

6 Q. So when you were -- You mentioned
7 something about the supervisor talking to
8 detectives or responding to complaints or
9 compliments; that was also the realm of the
10 possible. But you're not aware of any of those
11 with respect to Mr. Bartik?

12 A. I am not aware.

13 Q. Are you aware of whether any statistics
14 were kept by anyone about Mr. Bartik's polygraph
15 examinations?

16 A. No. I am not aware of any statistics
17 that were kept about how many polygraph exams
18 were done, any statistics concerning polygraph
19 examinations.

20 Q. With respect to Bartik or anything
21 else -- or anyone else?

22 MS. FORDYCE: Objection: Outside the scope
23 of the 30(b)(6) to the extent we're talking
24 about anyone else.



1 THE WITNESS: We do keep statistics on
2 polygraph examiners now, on how many mock exams
3 they do, how many actual exams they do, how many
4 they have under supervision. But in this time
5 period, 2005, I am not aware of any.

6 BY MS. SUSLER:

7 Q. And the statistics that you do keep
8 that you were just talking about, those are
9 since you initiated the preemployment polygraph
10 testing?

11 MS. FORDYCE: Objection: It's outside the
12 scope of the 30(b)(6).

13 THE WITNESS: It's preemployment and criminal
14 polygraph and whatever else, 2010.

15 BY MS. SUSLER:

16 Q. But that's when the statistics --

17 A. That's when I'm aware of statistics
18 being maintained.

19 Q. And before that --

20 A. I'm not aware of statistics before
21 that.

22 Q. For Mr. Bartik or anyone else?

23 A. For Mr. Bartik or anyone else.

24 Q. Have you ever seen any documentation in



1 you referring to?

2 A. The police department, the Detective
3 Division, the Records Division.

4 Q. But you're not aware that they kept any
5 such statistics?

6 A. I am not -- I am not aware of any
7 statistics that have been assembled.

8 Q. And so similarly, fair to say that
9 you're not aware of any statistics regarding the
10 number of confessions that Mr. Bartik obtained
11 at any stage of a polygraph examination
12 throughout his career as a polygraph examiner?

13 A. I am not aware of any statistics.

14 Q. Can you tell me what, if any, role
15 numbers played in monitoring Mr. Bartik's
16 performance as a polygraph examiner?

17 MS. FORDYCE: Objection to the form.

18 THE WITNESS: Could you tell me what you mean
19 by numbers?

20 BY MS. SUSLER:

21 Q. Sure. His -- The number of confessions
22 he obtained, the number of polygraphs he
23 conducted, the number of cases he helped solve,
24 the number of mistakes he made in polygraph



1 examinations, any -- any way the role numbers
2 played in evaluating his performance as a
3 polygraph examiner?

4 MS. FORDYCE: Objection to the form.

5 THE WITNESS: Numbers don't drive the
6 evaluation process.

7 BY MS. SUSLER:

8 Q. With respect to polygraph examiners or
9 police officers?

10 A. Police officers.

11 MS. FORDYCE: Objection as outside the scope
12 of the 30(b)(6).

13 THE WITNESS: So I don't know what role
14 numbers would play. That's not a self-initiating
15 group. They do polygraph examinations of people
16 that are brought to them.

17 So if they don't have a large number of
18 polygraph exams in one period of time, we
19 wouldn't give them a negative performance
20 evaluation. And if they had a great number of
21 polygraph examinations, we wouldn't give them a
22 more positive. It's not a numbers-driven aspect
23 of the police department.

24 If they had more -- more confessions,



1 MS. SUSLER: Let's mark this as Exhibit 132,
2 please.

3 (Whereupon, O'Neill Deposition
4 Exhibit No. 132 was marked for
5 identification.)

6 BY MS. SUSLER:

7 Q. For the record, this is City 8099
8 through 8109. And I will represent to you, sir,
9 that this has been produced by the lawyers for
10 the City in this case as Mr. Bartik's
11 performance evaluation documents.

12 MR. NATHAN: I need you to say the Bates
13 range again.

14 MS. SUSLER: 8099 to 8109.

15 BY MS. SUSLER:

16 Q. Sir, I would like to direct your
17 attention to the first page, 8099. And let's
18 read where it says:

19 Quality of work: Has achieved a high
20 number of confessions from polygraph subjects
21 prior to the actual polygraph examination.

22 Did I read that correctly?

23 A. Yes.

24 Q. And if you look at the upper right-hand



1 corner where he gets a grade for quality of
2 work, he got a 99?

3 A. Correct.

4 Q. And the possible -- The highest
5 possible grade was 100?

6 A. Correct.

7 Q. So Mr. Bartik got almost perfect?

8 A. Correct.

9 Q. And is there anything other than the
10 high number of confessions in the polygraph
11 pretest examination to indicate why he would
12 get a 99?

13 A. I don't see anything about a pretest.

14 Q. Well, it says, Prior to the actual
15 polygraph examination.

16 A. Okay.

17 Q. So --

18 A. Is that pretest or --

19 Q. I'll -- I'll rephrase my question.

20 A. Okay.

21 Q. Is there anything that you see in
22 Exhibit 132 to indicate why he got a 99 for
23 quality of work other than, Has achieved a high
24 number of confessions from polygraph subjects



1 prior to the actual polygraph examination?

2 MS. FORDYCE: Objection to the form:

3 Speculation.

4 THE WITNESS: No. I do not see anything.

5 BY MS. SUSLER:

6 Q. Do you know what it means, a high
7 number of confessions; like, what number?

8 A. No. I do not know.

9 Q. What, if anything, did the police
10 department do to determine how Mr. Bartik
11 obtained a high number of confessions from
12 subjects prior to the actual polygraph
13 examination?

14 MS. FORDYCE: Object to the form.

15 THE WITNESS: What did the department
16 do to ...

17 BY MS. SUSLER:

18 Q. To determine how he achieved a high
19 number of confessions from polygraph subjects
20 prior to the actual polygraph examination.

21 A. I'm not sure what you're asking. What
22 did the department do to see?

23 Q. What, if anything, was done to find out
24 how is this guy getting so many confessions from



1 polygraph subjects prior to the actual polygraph
2 exam?

3 MS. FORDYCE: Objection to the form.

4 THE WITNESS: I don't know of anything we
5 would do if people are confessing to someone
6 about what they did.

7 BY MS. SUSLER:

8 Q. Have you ever seen any documentation
9 that the police department took any action to
10 determine how Mr. Bartik was obtaining a high
11 number of confessions from polygraph subjects
12 prior to the actual polygraph examination?

13 MS. FORDYCE: Same objections; objection to
14 the form.

15 THE WITNESS: No. I haven't seen any
16 documentation.

17 BY MS. SUSLER:

18 Q. Let me ask you to look at the second
19 page of Exhibit 132, City 8100.

20 No. I'm sorry. The next page, 8101.

21 If you look at the Quantity of Work
22 section, it says: Few surpass his output in
23 this area.

24 Did I read that correctly?



1 produces. I don't know what other duties and
2 responsibility that he had. But his primary
3 function was to do polygraph exams. So if he
4 could get three polygraph exams completed in a
5 day, or if -- I think that would fall into his
6 production was very good. And it ties in with
7 the, Organizes time to maximum efficiency.

8 BY MS. SUSLER:

9 Q. Are you aware that Mr. Bartik testified
10 that from 1998 to 2003, he obtained 111 confessions
11 during pretest interviews?

12 A. 1998 to 2003?

13 Q. Yes, a five-year period.

14 A. It may have been in his deposition. I
15 don't know if I had -- I don't know if I had
16 seen that.

17 Q. Do you have any sense of how that
18 compares to other polygraph examiners in the
19 Chicago Police Department?

20 MS. FORDYCE: Objection: It's outside the
21 scope of the 30(b)(6) notice.

22 THE WITNESS: I don't have any statistics
23 concerning the production of other polygraph
24 examiners.



1 BY MS. SUSLER:

2 Q. Do you know what numbers of confessions
3 Mr. Bartik obtained at any stage in the
4 polygraph examination before 1998 and after
5 2003?

6 A. How many he had before?

7 MS. FORDYCE: Repeat that, please.

8 (Whereupon, the record was read
9 as requested.)

10 MS. FORDYCE: Objection to the temporal scope
11 as being outside the scope of the 30(b)(6).
12 He's here to testify from 1998 to the present.

13 THE WITNESS: I don't know what he had from
14 1998 to 2003. I don't know what he had before
15 1998, and I don't have any statistics about what
16 he had since 2003.

17 BY MS. SUSLER:

18 Q. And you've never seen any such
19 documentation anywhere?

20 A. Not that I'm aware of.

21 Q. And you're not aware that any exists in
22 the police department?

23 A. Not that I'm aware of.

24 Q. I'm going to ask you some questions



1 reading this deposition, his deposition in this
2 case, that he has never been supervised by
3 anyone who knew anything about polygraph
4 examination.

5 Do you have any evidence to the
6 contrary?

7 MS. FORDYCE: Objection to the form.

8 THE WITNESS: I think it's a ridiculous
9 statement. How can you have never been
10 supervised with anyone with any knowledge of
11 polygraph examinations [sic]? I think the bulk
12 of people have knowledge of polygraph
13 examinations. I think every police officer
14 knows that polygraph examinations can't be used
15 in court. So how can you say they have
16 absolutely no knowledge of polygraph
17 examinations? Everybody knows what a polygraph
18 examination is. I mean, I think it's an
19 outlandish, ridiculous statement.

20 BY MS. SUSLER:

21 Q. Are you aware that he testified that he
22 had never been supervised with -- by anyone who
23 was a licensed polygraph examiner?

24 A. I am not aware of that, if it was in



1 his deposition. But that's probably accurate.

2 I have supervised doctors, nurses, and
3 I've never had any medical training.

4 Q. Are you aware of any evidence or any
5 documentation that anyone who supervised
6 Mr. Bartik at any point during his assignment as
7 a polygraph examination --

8 A. I'm sorry. I couldn't really hear you.

9 Q. Are you aware of any documentation that
10 any -- anyone who supervised Mr. Bartik during
11 any time he was assigned as a polygraph examiner
12 was a licensed polygraph examiner him or
13 herself?

14 A. No. I am not aware of any
15 documentation.

16 Q. Would you expect someone who was not a
17 licensed polygraph examiner to know whether
18 Mr. Bartik had excellent knowledge of his
19 technical field?

20 MS. FORDYCE: Objection to the form.
21 Objection to the extent that this is a question
22 that could be reasonably within the purview of
23 the knowledge of an entire organization.

24 THE WITNESS: I would expect his supervisors



1 to have conversations with him concerning what
2 he does so they better understand it. And I
3 think they could come to a determination that
4 they have excellent knowledge.

5 I draw the parallel to the nurses I
6 supervise in the Medical Section and any
7 conversations with them.

8 BY MS. SUSLER:

9 Q. Is there any document that you're aware
10 of that anyone who ever supervised Robert Bartik
11 in the performance of his conduct as a polygraph
12 examiner, that they had knowledge of the
13 technical field of polygraph examination?

14 MR. NATHAN: Object to the form.

15 MS. FORDYCE: Join.

16 THE WITNESS: I have no knowledge of any
17 documentation of anybody that supervised
18 Sergeant Bartik, that they had technical
19 knowledge of the field.

20 BY MS. SUSLER:

21 Q. All right. Let me direct your
22 attention to Exhibit 132, page 8103, which is
23 the fifth page, down where it says: Job
24 Knowledge: Professional development.



1 evaluation summary that was performed in August
2 of 2010 for Mr. Bartik?

3 A. I don't know. The view -- The
4 sergeant's comments may be blank, so you may
5 have everything. But I don't -- I don't have
6 any independent knowledge of what these contain.
7 So you may not.

8 Q. Let me ask you, with respect to any
9 kind of supervision or evaluation with respect
10 to quality control over Mr. Bartik's polygraph
11 examinations, are you aware of any documentation
12 of any quality control?

13 MS. FORDYCE: Objection to the form.

14 THE WITNESS: Quality control would be the
15 signature on the supplementary report by his
16 supervisor.

17 The actual polygraph is conducted in a
18 room with just Mr. Bartik, or Sergeant Bartik,
19 and the person being interviewed.

20 BY MS. SUSLER:

21 Q. So if I understand you correctly, the
22 only quality control that exists with respect to
23 Mr. Bartik's polygraph examinations was the
24 supervisor's approval of the sup reports?



1 A. Correct.

2 Q. And you are aware that when Mr. Bartik
3 conducts polygraph examinations, there are
4 charts that are printed of the actual subject's
5 responses?

6 A. Correct.

7 Q. Okay. Are you aware of what, if any,
8 quality control exists with respect to those
9 charts?

10 A. Quality control by Mr. Bartik or by the
11 police department?

12 Q. By the police department.

13 A. I'm not aware of any quality control
14 that would be used to evaluate the charts
15 produced by Sergeant Bartik.

16 Q. Have you ever seen any documentation of
17 any quality control with respect to Mr. Bartik's
18 polygraph examinations other than the
19 supervisor's approval on the sup reports?

20 A. Well, there would also be any input,
21 comments from the person being interviewed or
22 the detective who brought the person over for
23 the interview. But as far as the actual charts
24 or the conclusions reached, no, I have not seen



1 exami nati ons?

2 A. There woul d have been peer revi ew
3 during hi s trai ni ng cycl e. When he was bei ng --
4 Whi le he worked for the poli ce depart ment, I am
5 not aware of any review of hi s -- peer review of
6 hi s poly graph exami nati ons. I am not aware of
7 any.

8 Q. When you say, Hi s trai ni ng cycl e, you
9 mean when he was i n poly graph school ?

10 A. Correct.

11 Q. Other than what we have i n Exhi bi t 132,
12 and other than the supervi sor' s si gned sup
13 reports for Mr. Barti k, what, i f any, other
14 supervi si on are you aware of wi th respect to
15 Mr. Barti k as i n hi s performance as a poly graph
16 exami ner?

17 A. I am not aware of anything eval uati ng
18 hi s performance besi des the performance
19 eval uation and the performance rating cards --

20 Q. Okay. My questi on --

21 A. -- that you presented.

22 Q. Sorry. My questi on went not j ust to
23 eval uation but supervi si on. And i f you confl ate
24 the two, that' s fi ne. I j ust need to know i f



1 that's what you're doing.

2 A. Let's see. Could you repeat the
3 question or rephrase the question so I make sure
4 I understood.

5 (Whereupon, the record was read
6 as requested.)

7 MS. FORDYCE: Objection to the form.

8 THE WITNESS: Okay. He would be subject to
9 supervision by his supervisors in his unit and
10 subject by supervisors -- any supervisor that
11 comes across him during his tour of duty.

12 If we're only talking about his
13 polygraph examinations or if he's working some
14 other special employment opportunity, at CHA,
15 CTA, he would be subject to those supervisors.
16 But if you're talking about purely his role as
17 an polygraph examiner, that would be his
18 day-to-day supervisors that would be reviewing
19 him on a day-to-day basis.

20 BY MS. SUSLER:

21 Q. All right. Is there any documentation
22 of any supervision of Mr. Bartik's performance
23 as a polygraph examiner other than Exhibit 132
24 and the sup reports approved by his supervisors?



1 MS. FORDYCE: Objection to the form.

2 THE WITNESS: Not that I'm aware of right
3 now. There may be supervisor's logs that are
4 maintained by the unit, but I'm not sure what
5 they do in Forensics as far as supervisors'
6 logs.

7 MS. SUSLER: Did you want to communicate with
8 your client?

9 MS. FORDYCE: I wanted to wave this fly that
10 was flying over my paper.

11 BY MS. SUSLER:

12 Q. And the supervisors' logs you're
13 referring to, those are what?

14 A. Those are maintained in Patrol. I
15 don't know what they have in -- in Forensics.

16 Q. And that's something --

17 A. It would be a daily log. There may be
18 a watch commander's log that -- I -- I'm not
19 sure. I want to make sure that I'm responsive
20 to your question and not missing something that
21 I'm not aware of. But I'm not aware of
22 anything. There might be something else; but
23 pretty much, this is what you would be looking at.

24 MS. FORDYCE: For the record, I'm waving at a



1 MS. SUSLER: Counsel, if that document
2 exists, I would like to have it.

3 MS. FORDYCE: I don't know what he's talking
4 about. And everything we reviewed yesterday is
5 documents we produced to you previously.

6 THE WITNESS: I didn't look at any documents
7 beyond those. So he might have mentioned in his
8 deposition, but I do remember something about an
9 honorable mention for some interview he
10 conducted.

11 BY MS. SUSLER:

12 Q. For what purpose are Mr. Bartik's
13 complimentary awards -- what purpose do they
14 serve him?

15 A. It's a reflection of his service to the
16 police department. And in discipline cases, it
17 would be a mitigating factor in discipline if he
18 has an exceptional complimentary record.

19 So before imposing any discipline, a
20 supervisor reviews his complimentary and
21 disciplinary history.

22 Q. I'm going to ask you some questions
23 about Mr. Bartik's promotion to sergeant. At
24 the time he was promoted, what were the criteria



1 for promotion from police officer to sergeant?

2 A. To be promoted to sergeant, he had to
3 participate in the exam process. He had to have
4 an acceptable complimentary and disciplinary
5 record, an acceptable medical record, and he had
6 to be in a full -- full-duty status.

7 Q. What documents are created in the
8 process of promoting a police officer to a
9 sergeant?

10 MS. FORDYCE: Objection as outside the scope
11 of the 30(b)(6).

12 THE WITNESS: As far as the --
13 BY MS. SUSLER:

14 Q. I will tailor the question to
15 Mr. Bartik. What documents were created in the
16 process of promoting Mr. Bartik from police
17 officer to sergeant?

18 A. Well, there was an exam that was
19 administered. It was a two-part exam. A rank
20 order list was developed by the Department of
21 Human Resources, which is the City HR
22 department. A list was provided to the police
23 department. We got to his name on the list.
24 Then we get his complimentary and disciplinary



1 history and his medical report. I review those.
2 And if he's deemed eligible to be promoted, we
3 create an administrative message that goes out
4 directing him and other people to report for
5 training at the academy for a period of time,
6 pre-service training prior to some -- prior to
7 promotion.

8 Q. So if you look at Exhibit 134, the
9 personnel file, and if you look at 7238,
10 Mr. Bartik is, like, the sixth name on the memo
11 at 7238. Do you see that?

12 A. Yes.

13 Q. So this is -- Is this the
14 administrative message you're referring to?

15 A. No. This is the personnel order,
16 B-series employment order promoting them and
17 assigning them. This is an HR function. This
18 is after they have completed their training and
19 are now being assigned to districts as
20 sergeants.

21 Q. So this would be subsequent to the
22 administrative message you mentioned?

23 A. Yes.

24 Q. Where are the documents that you just



1 named that are -- were created in the process of
2 promoting Mr. Bartik from officer to sergeant?

3 A. The exam would be in possession of
4 Department of Human Resources. Probably not in
5 their possession because it's a vendor, and they
6 own the exam. The results would be provided to
7 DHR, the Department of Human Resources. They
8 compile the list. The vendor does the scoring
9 and provides them with a rank order list. And
10 then they provide us with the names as we
11 promote.

12 So I may have a list of the people from
13 this exam process, a rank order list from the
14 people from this exam process, which is another
15 document that would have his name on it.

16 Q. If I understood you correctly, you said
17 that when you get to -- when you got to his name
18 on the list, that you personally reviewed his
19 complimentary and disciplinary history and his
20 medical record?

21 A. Yes.

22 Q. And you made the decision that he was
23 going to be promoted?

24 A. He was eligible for promotion, yes.



1 Q. What was it about his complimentary --
2 complimentary and disciplinary history that you
3 determined made him eligible for promotion?

4 A. There was nothing in his disciplinary
5 history that would prevent him from being
6 promoted.

7 Q. What -- What sort of thing in his
8 disciplinary -- in a disciplinary history would
9 prevent an officer from being promoted to a
10 sergeant?

11 MS. FORDYCE: Objection: It's outside the
12 scope of the 30(b)(6). He's not going to be
13 answering on behalf of the City.

14 THE WITNESS: There's an investigation that
15 has -- that he is going to be subject to
16 separation, and we would move that ahead to
17 start the separation process prior to promoting
18 him, rather than promoting him.

19 BY MS. SUSLER:

20 Q. So if -- If Officer Bartik had had
21 something in his disciplinary history indicating
22 that he was subject to separation, that would
23 have been the only thing in his disciplinary
24 history that would have been an obstacle to his



1 being promoted from officer to sergeant?

2 A. Well, he was from the rank order list.
3 There's two -- two components to this list. One
4 is rank order list, and one is merit selection.
5 The merit selections have different requirements
6 as far as length of sustained CR numbers and
7 discipline.

8 So if -- But that wouldn't apply to
9 Mr. Bartik. Mr. Bartik would -- to be --
10 prevent him from being promoted, he would have
11 to be relieved of police powers and subject to
12 separation.

13 Q. Just so I can --

14 A. Or not be on a full-duty status.

15 Q. I just need to put Officer Bartik's
16 promotion in the context. Now, you said there's
17 also merit promotion, which he was not on --
18 promoted with respect to his merit?

19 A. Correct.

20 Q. So that's a whole different process?

21 A. Well, it's all part of the same
22 process. It's all part of the promotion
23 process.

24 Q. But there are different requirements



1 that obtain in terms of the disciplinary record?

2 A. I review all the disciplinary records.
3 But this is what would disqualify somebody on
4 the rank order list.

5 So yes, there's different things that
6 would disqualify you from the rank order list as
7 opposed to the merit list.

8 Q. And what on the merit list would
9 disqualify you from promotion? I'm just -- I'm
10 trying to understand what happened with Bartik
11 to --

12 A. Excessive medical roll use, a
13 substantial sustained CR numbers, substantial
14 penalty on CR numbers in a period of time.

15 Q. Thank you.

16 A. That would be about it.

17 Q. Thank you. That helps.

18 In making the decision to promote
19 Officer Bartik to sergeant, were performance
20 evaluations part of that conversation?

21 A. No, they were not.

22 Q. Commendations were?

23 A. Yes.

24 Q. And so were his CRs?



1 A. We're talking about Sergeant Bartik?

2 Q. Yes.

3 A. Yes, they were reviewed.

4 Q. But only to determine whether he was
5 subject to separation?

6 A. Yes.

7 Q. So would it be fair to say that the
8 allegations in the particular CRs with respect
9 to Mr. Bartik were not considered?

10 A. They were reviewed, but they were not a
11 factor in the determination. Because I do not
12 have -- I did not review any sustained
13 complaints against Sergeant Bartik.

14 Q. I guess my question was with respect to
15 the allegations in the CRs. Would it be fair to
16 say that the allegations in the respective CRs
17 Mr. -- with respect to Mr. Bartik, that you did
18 not consider those in the decision to promote
19 him?

20 MS. FORDYCE: Objection: Misstates his prior
21 testimony, and objection to the form.

22 THE WITNESS: I reviewed them and determined
23 them to be irrelevant to the promotion process.
24



1 BY MS. SUSLER:

2 Q. And that was because you learned that
3 he was not subject to separation?

4 A. That the CR numbers were not sustained,
5 and there was no open CR numbers that would
6 subject him to separation.

7 Q. And at the time that you made the
8 decision to promote him, what information, if
9 any, did you have with respect to litigation
10 naming Mr. Bartik as a defendant?

11 A. Some of the CR numbers refer to
12 litigation. But that's the extent of the
13 information that I had.

14 Q. And would it be fair to say, then, that
15 the fact that he had been named as a defendant
16 in lawsuits with respect to his conduct as a
17 polygraph examiner was irrelevant to your
18 decision to promote him from police officer to
19 sergeant?

20 MS. FORDYCE: Objection to the form.

21 MR. NATHAN: Objection: Mischaracterizes his
22 testimony; asked and answered.

23 THE WITNESS: I reviewed the documents and
24 determined that there was nothing to disqualify



1 him from being promoted.

2 BY MS. SUSLER:

3 Q. They were irrelevant?

4 MS. FORDYCE: Same objection.

5 MR. NATHAN: Objection: Asked and answered.

6 THE WITNESS: The lawsuits -- The lawsuits or
7 the CR numbers?

8 BY MS. SUSLER:

9 Q. I think we already talked about the CR
10 numbers, right?

11 A. Okay.

12 Q. So let's talk about --

13 A. So all the information I have on the
14 lawsuits are contained in the CR numbers. So
15 the CR numbers were not relevant to my
16 determination.

17 Q. Okay. What, if anything, did you know
18 about the amount of money the City paid in
19 settlements and/or judgments in the lawsuits
20 against Mr. Bartik at the time you made the
21 decision to promote him from officer to
22 sergeant?

23 MS. FORDYCE: Objection to the form.

24 THE WITNESS: At the time I'm making the



1 evaluation whether to promote him to the
2 position he tested for of sergeant, I do not
3 have information concerning any litigation or
4 settlements that the City may have entered into
5 on Mr. Bartik's behalf.

6 BY MS. SUSLER:

7 Q. That information was irrelevant to the
8 decision to promote?

9 A. It's not provided to me, and it's not
10 one of the criteria for promotion to the rank of
11 sergeant.

12 Q. So I just want to be clear that I
13 understand what was considered in the decision
14 to promote Mr. Bartik. And if I understood you
15 correctly, it was, he took an exam, he had a
16 rank order on a list, you got to his name on the
17 list, you looked at the complimentary and
18 disciplinary histories and his medical record,
19 and made the decision to promote him?

20 MS. FORDYCE: Objection: Misstates his prior
21 testimony.

22 THE WITNESS: And determined he was a
23 full-duty sergeant not relieved of police powers
24 or in a limited duty capacity; that he had the



1 Ms. Harris sued Mr. Bartik and asked the City to
2 produce those documents?

3 MS. FORDYCE: Objection: Calls for
4 speculation; outside of the scope of 30(b)(6)
5 foundation.

6 THE WITNESS: Yes. That's one of the --
7 That's one I am certain that they review it.

8 BY MS. SUSLER:

9 Q. Are you aware of any other review by
10 any member of the Chicago Police Department of
11 Mr. Bartik's disciplinary record as a whole?

12 MS. FORDYCE: Objection to the form.

13 THE WITNESS: I am not aware of any other
14 review of Sergeant Bartik's disciplinary history
15 as a whole, and I'm not even sure if it's
16 properly characterized as a disciplinary history
17 or complaint history.

18 BY MS. SUSLER:

19 Q. But in any event, we're talking about
20 the same thing, disciplinary history and
21 complaint history?

22 A. Yes.

23 Q. Okay. Are you aware of whether anyone
24 in the police department has ever reviewed



1 Mr. Bartik's disciplinary record as whole to
2 look for patterns in the allegations made by
3 complainants?

4 MS. FORDYCE: Objection to the form.

5 THE WITNESS: I am not aware of anybody in
6 the Chicago Police Department or the Independent
7 Police Review Authority that have reviewed this
8 document looking for patterns.

9 BY MS. SUSLER:

10 Q. And just to put Mr. Bartik in context,
11 that would be true generally for police
12 officers? That kind of review doesn't happen?

13 MS. FORDYCE: Objection: Outside of the
14 scope of the 30(b)(6); objection as to the form.

15 THE WITNESS: I am not aware if that review
16 takes place in Legal Affairs; or it could take
17 place in HR under a Behavioral Intervention if a
18 commander recommended it because he had
19 independent knowledge of this. We may search
20 for what the complaints were. But I can't think
21 of a time it has come up in my tenure there.

22 BY MS. SUSLER:

23 Q. And have you ever seen any
24 documentation that any review looking for



1 patterns in the allegations made by complainants
2 with respect to Mr. Bartik ever took place?

3 MS. FORDYCE: Objection to the form.

4 THE WITNESS: No. I don't remember
5 Mr. Bartik's name coming up in any of that type
6 of review.

7 BY MS. SUSLER:

8 Q. Have you ever seen any documentation of
9 any review of Mr. Bartik's disciplinary history
10 looking for issues that could be addressed by
11 counseling or retraining?

12 MS. FORDYCE: Object to the form.

13 THE WITNESS: Have I ever seen review of his
14 disciplinary history to identify issues that
15 could be addressed by counseling or training?
16 No, I have not seen any document of any review
17 of his disciplinary history or complaint
18 history.

19 BY MS. SUSLER:

20 Q. And, again, to put it in context to
21 understand with respect to Mr. Bartik versus
22 generally, if an officer isn't, as you said, the
23 subject of a commander's request to put him in
24 Behavioral Intervention or something like that,



1 MS. FORDYCE: Objection to the form and
2 outside the scope of the 30(b)(6).

3 THE WITNESS: A supervisor can make a
4 recommendation for an employee to go back to the
5 training academy for supplemental training if
6 their performance in some category is not
7 acceptable or they feel supplemental training
8 would be appropriate, such as for report
9 writing, traffic stops, DUI writing. An issue
10 that comes to their attention that would
11 require -- that it would be a benefit to have
12 them -- A police officer who has not been out on
13 the street for 15 years, all right, we would
14 generally get a report requesting that they go
15 back to the academy to be updated and refreshed.
16 So that's also an available tool.

17 BY MS. SUSLER:

18 Q. Have you ever seen any documentation
19 with respect to Mr. Bartik that any supervisor
20 ever recommended that he return to the academy
21 for any kind of supplemental training?

22 A. No. I never received any indications
23 of concerns from the supervisors and never saw
24 any documents requesting supplemental training



1 for Sergeant Bartik.

2 Q. If a supervisor had made such a
3 recommendation for Mr. Bartik, where in the
4 Chicago Police Department documents would you
5 expect to find that?

6 A. I would expect to find that in
7 Forensics or the Training Academy.

8 Q. And when you say, Forensics, what are
9 you referring to?

10 A. If that was the unit he was in at the
11 time, Forensic Investigation Unit.

12 Q. So would there be -- Are you referring
13 to, like, a file that Forensics would have with
14 Mr. Bartik's name on it?

15 A. Yes.

16 Q. With that recommendation in it?

17 A. Yes. If such a document existed.

18 Q. And as far as you know, no such
19 document exists?

20 A. I'm not aware of any such document.

21 Q. If Mr. Bartik testified in court, what,
22 if any, documents would you expect to see
23 generated?

24 MS. FORDYCE: Objection: That's outside of



1 the scope of the 30(b)(6). Is this tied to any
2 of the topics in here?

3 MS. SUSLER: Yes. It's foundational.

4 THE WITNESS: Depends on what type of -- If
5 he's testifying in traffic court, I would expect
6 a copy of the ticket to be available. If he's
7 testifying on a DUI, I would expect a copy of
8 his observations to be available. If he's
9 testifying on a polygraph exam, I expect his
10 supplemental report to be available.

11 It depends what the state's attorney
12 wants to present as evidence or documents that
13 may be beneficial to refresh his recollection;
14 if it's for the defense attorney, whatever
15 documents they would normally request.

16 BY MS. SUSLER:

17 Q. Are you aware of any documentation by
18 any supervisory personnel for Mr. Bartik, other
19 than a sup report, regarding any testimony he
20 ever gave in any criminal or civil case?

21 MS. FORDYCE: Objection: It's outside the
22 scope of the 30(b)(6).

23 MS. SUSLER: Well, I disagree because I'm
24 talking about supervision.



1 But go ahead.

2 THE WITNESS: Okay. Am I -- Am I aware of
3 any report submitted by Sergeant Bartik
4 concerning any --

5 BY MS. SUSLER:

6 Q. No.

7 A. Okay.

8 Q. Thank you for asking if you weren't
9 clear.

10 Are you aware of any documentation --

11 MS. SUSLER: Well, can you read it back.

12 (Whereupon, the record was read
13 as requested.)

14 MS. FORDYCE: Objection to the form.

15 THE WITNESS: I am not aware of any report
16 submitted by any supervisor concerning any
17 testimony Sergeant Bartik has given during the
18 course of his career.

19 BY MS. SUSLER:

20 Q. In reviewing Mr. Bartik's CRs -- Let me
21 ask you this: Are you aware of whether there is
22 a complaint category for allegations related to
23 polygraph examinations for CRs?

24 MS. FORDYCE: Objection: It's outside the



1 Q. When looking at the CRs in preparation
2 for the deposition with allegations against
3 Mr. Bartik, what patterns, if any, did you see?

4 MS. FORDYCE: Objection: Vague to the term
5 patterns, and not -- this is not the type of
6 information that can reasonably be known to an
7 entity pursuant to 30(b)(6).

8 THE WITNESS: I did not see a pattern. I saw
9 a number of CR numbers over an extended career.
10 And over the past couple of years, I've seen
11 attorneys making allegations against Mr. Bartik,
12 but not a great number or anything that would
13 indicate a pattern for -- I don't -- I didn't
14 see a pattern of allegations.

15 Early in his career, they were standard
16 citizen complaints, not of the same nature, not
17 consistent verbal abuse, not consistent physical
18 abuse, not consistent physical abuse, not
19 consistent -- not consistently the same thing
20 over the course of his early career.

21 And then I did see a number of lawsuits
22 involving Mr. Bartik. And I saw a pattern of
23 attorneys making allegations and not
24 substantiating their allegations to IAD.



1 seminar that's available several times a year
2 that people can sign up for to help them manage
3 stressful situations. We want to -- We want to
4 ensure we are taking care of the well-being of
5 our members. So the sergeant has an obligation
6 to do those steps.

7 Q. Have you ever seen any documentation
8 that any supervisory personnel has referred
9 Mr. Bartik to the Employee Assistance Program or
10 the stress management seminar?

11 A. I have not seen any documentation
12 concerning referral to Employee Assistance or
13 stress management.

14 Q. And have you ever seen any
15 documentation indicating that Mr. Bartik feels
16 any stress whatsoever as a result of having been
17 named as a defendant in lawsuits?

18 MS. FORDYCE: Objection: It's outside the
19 scope of the 30(b)(6).

20 THE WITNESS: I have not seen any
21 documentation about his stress related to a
22 lawsuit.

23 BY MS. SUSLER:

24 Q. Have you ever seen any documentation



1 that any supervisor for Mr. Bartik was aware of
2 the allegations of -- regarding Mr. Bartik's
3 performance as a polygraph examiner for any of
4 the lawsuits in which he was named as a
5 defendant before Legal Affairs notified the unit
6 that he had been named as a defendant?

7 A. No. I am not aware of any
8 documentation concerning whatever the ...

9 Q. Have you ever seen any documentation,
10 or are you aware of whether it exists, of any
11 review of Mr. Bartik's role in motions to
12 suppress statements, direct appeals,
13 post-convictions, habeas petitions alleging
14 wrongdoing with respect to his conduct?

15 MS. FORDYCE: Objection to the form;
16 objection as outside the scope of the 30(b)(6).

17 MR. NATHAN: I'm sorry. Tracy, do you mind
18 reading that back.

19 (Whereupon, the record was read
20 as requested.)

21 MR. NATHAN: Thank you.

22 Objection: Form.

23 BY MS. SUSLER:

24 Q. And let me add, his conduct as a



1 polygraph examiner.

2 MR. NATHAN: Same objection: Form.

3 THE WITNESS: I don't -- The police
4 department would not have -- No. I have not
5 seen, and the police department would not have
6 documents of this nature.

7 BY MS. SUSLER:

8 Q. And is that because the police
9 department doesn't review with respect to
10 Mr. Bartik, for example -- and I'm going to try
11 to break this down so it's not too compound.

12 Let's say Mr. Bartik testifies at a --
13 at a criminal hearing for a motion to suppress a
14 statement. And he testifies because the state's
15 attorney subpoenas him, and he testifies that
16 the defendant in the criminal case voluntarily
17 subjected himself to a polygraph examination and
18 made a statement, an inculpatory statement. And
19 let's say that the judge, after Mr. Bartik
20 testifies, suppresses the statement because the
21 judge determines that, contrary to what
22 Mr. Bartik testified to, the statement wasn't
23 given voluntarily. Is there any way the police
24 department has to find out that a judge rejected



1 court today testifying, what their testimony is
2 on each case that's before -- is that what
3 you're asking? I don't think we have an
4 all-inclusive, line-by-line testimony.

5 No one in the police department is
6 going to review this deposition I provide today.
7 If you provide a complaint or Ms. Fordyce
8 provides a complaint about the testimony, then
9 it would be investigated. But no, we don't have
10 supervisors reviewing every line of testimony
11 provided.

12 Q. Are you aware of the existence of any
13 documentation of any supervisor ever reporting
14 any issue with respect to Mr. Bartik testifying
15 by deposition or trial?

16 MS. FORDYCE: Objection: Asked and answered.

17 THE WITNESS: Any review of his --
18 Mr. Bartik's deposition or trial?

19 BY MS. SUSLER:

20 Q. Any documentation that any supervisor
21 ever reported any issue with respect to
22 Mr. Bartik's testimony by deposition or trial?

23 A. I am not aware of that.

24 MS. FORDYCE: Objection to the form.



1 THE WITNESS: I'm sorry.

2 BY MS. SUSLER:

3 Q. Would it be fair to say a supervisor of
4 a polygraph examiner should -- should be aware
5 of litigation naming Bartik as a defendant where
6 allegations relate to his conduct as a polygraph
7 examiner?

8 MS. FORDYCE: Object to the form.

9 THE WITNESS: It could be. I'm not certain.
10 I mean, these -- these lawsuits tend to involve
11 everybody that has their name on any document.
12 So it doesn't necessarily mean something. If
13 the corporation counsel, upon reviewing this,
14 thinks there's something that needs to be
15 brought to the attention, they would direct that
16 through the Office of Legal Affairs, who would
17 take appropriate steps. And that's how it would
18 be done.

19 But no. It probably would not be
20 appropriate for a supervisor to know every piece
21 of litigation that involves a member under their
22 supervision.

23 MS. SUSLER: Let's mark this as Exhibits 136.
24



1 against Mr. Bartik.

2 Q. Would it be a helpful supervisory tool
3 with respect to Mr. Bartik to collect in one
4 place the information related to litigation
5 that's been brought against him?

6 MS. FORDYCE: Objection to the form;
7 objection to the extent this isn't a question
8 reasonably within the knowledge of an entity.

9 MR. NATHAN: Join.

10 THE WITNESS: I don't know if it would be
11 beneficial to the police department to have that
12 information.

13 BY MS. SUSLER:

14 Q. Have you ever seen any documentation
15 that Mr. Bartik, following the verdict and
16 settlement in Mr. McGee's case, was ever
17 disciplined or retrained or experienced any kind
18 of consequences whatsoever?

19 MS. FORDYCE: Objection to the form.

20 THE WITNESS: No. When I -- When I had my
21 brief conversation involving McGee, it didn't
22 involve Sergeant Bartik. Or I don't remember it
23 involving Sergeant Bartik. So no, I don't --
24 I'm not aware of any training or anything



1 Q. Is there any mechanism that you're
2 aware of in the police department where once a
3 lawsuit that initiates a CR is resolved, the
4 resolution is documented and reported to the
5 command of the officer who was named as a
6 defendant in that litigation?

7 MS. FORDYCE: Objection: Asked and answered.

8 THE WITNESS: I am not aware of any
9 documentation that reports settlements to the
10 command.

11 MS. SUSLER: Let's mark this as 137.

12 (Whereupon, O'Neill Deposition
13 Exhibit No. 137 was marked for
14 identification.)

15 MS. SUSLER: This is City 5274 through 5319.
16 It's CR -- Well, it's Complaint Log No. 1022118,
17 a complaint made by an attorney on behalf of
18 Dany Lanza, L-A-N-Z-A.

19 BY MS. SUSLER:

20 Q. Is this one of the documents you
21 reviewed in preparation for your deposition?

22 A. Yes.

23 Q. And this is another lawsuit naming
24 Mr. Bartik as a defendant? That's what



1 inconclusive statements.

2 Yes. We could try to identify a
3 pattern. What you've presented to me, I don't
4 think does it. We could look at it. We look at
5 each of these in -- complaints and investigate
6 them thoroughly by professionals and take them
7 as far as we can go with the investigations. So
8 far, nothing you've provided indicates
9 wrongdoing. So is there more that could be
10 done? I don't know.

11 BY MS. SUSLER:

12 Q. And just so I'm clear, number one, you
13 don't -- you don't see a pattern in these last
14 four investigations done with respect to
15 Mr. Bartik?

16 A. I see --

17 MS. FORDYCE: Objection: Speculation;
18 foundation. This is not a question that an
19 entity -- that -- Strike that.

20 This is not a question that elicits
21 information known or reasonably known to the
22 organization. This is the personal opinion of
23 one single deponent.

24 THE WITNESS: Okay. I see a pattern of



1 allegations by a group of attorneys making
2 allegations. I do see that. I see an
3 organization that has investigated each of those
4 allegations to the point they can.

5 BY MS. SUSLER:

6 Q. And just so I'm clear what, if
7 anything, has anyone in the Chicago Police
8 Department done beyond Exhibits 136 through 139 to
9 investigate allegations of wrongdoing by Robert
10 Bartik in his performance as a polygraph
11 examiner?

12 MS. FORDYCE: Objection: Asked and answered
13 multiple times.

14 THE WITNESS: We have responded to each
15 complaint, each allegation, conducted an
16 investigation, and have not received any
17 cooperation from the people making the
18 allegation or their clients.

19 BY MS. SUSLER:

20 Q. My question was what, if anything, has
21 the police department done besides these four
22 investigations?

23 MS. FORDYCE: Objection: Asked and answered;
24 argumentative; form of the question.

